

Exhibit 1

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*Attorneys for Defendants Gen Digital Inc. and
Jumpshot Inc.*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GRACE LAU, CHRISTOPHER
KARWOWSKI, MELODY KLEIN,
MICHAEL MCBRIDE, and AIMEN
HALIM, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

GEN DIGITAL INC. a corporation, and
JUMPSHOT INC., a corporation,

Defendants.

Case No. 3:22-cv-08981-RFL

**DEFENDANTS GEN DIGITAL INC. AND
JUMPSHOT INC.'S RESPONSES AND
OBJECTIONS TO PLAINTIFFS' FIRST SET
OF REQUESTS FOR PRODUCTION OF
DOCUMENTS**

Honorable Rita F. Lin

1 irrelevant to the case as Plaintiffs' theory of liability in the FAC is based on cookies and has
 2 nothing to do with SDKs.

3 Subject to the foregoing Specific and General Objections, Gen Digital responds as follows:
 4 Gen Digital has no documents sufficient to identify any SDKs installed by AOSP, because AOSP
 5 does not utilize SDKs.

6 **REQUEST FOR PRODUCTION NO. 6:**

7 ALL DOCUMENTS CONCERNING YOUR use of COOKIES and/or AVAST IDs
 8 associated with AOSP, including but not limited to their extent, nature, and duration, as well as
 9 the information they obtained and transmitted to YOU and, subsequently, YOU transmitted to
 10 THIRD PARTIES.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

12 Gen Digital objects to this Request as overly broad, unduly burdensome, and not
 13 proportional to the needs of the case, because, per General Objection 1, it calls for documents
 14 relating to cookies or identifiers generally rather than *third-party advertising* cookies,
 15 "information" generally rather than *browsing* data, and transmissions to third parties generally
 16 rather than third-party *advertisers*, and thus the Request is not reasonably tied to Plaintiffs' theory
 17 of liability in the FAC.

18 Subject to the foregoing Specific and General Objections, Gen Digital responds as follows:
 19 Gen Digital has no documents concerning its alleged "use" of third-party advertising cookies
 20 "associated with AOSP," because Gen Digital does not in fact use any third-party advertising
 21 cookies in connection with AOSP, either to obtain information from users or to transmit data to
 22 third-party advertisers.

23 **REQUEST FOR PRODUCTION NO. 7:**

24 DOCUMENTS sufficient to IDENTIFY ALL individuals or departments within YOUR
 25 organization responsible for developing, implementing, or approving the technical specifications,
 26 programming code, or source code, including ALL changes and/or variations to such source code,
 27 which cause or enable YOU to transmit to THIRD PARTIES via FIRST PARTY COOKIES,
 28

1 THIRD PARTY COOKIES, and/or AVAST IDs the CLASS and SUBCLASS member DATA
2 that YOU collected and/or received through AOSP.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

4 Gen Digital objects to this Request as overly broad, unduly burdensome, and not
5 proportional to the needs of the case, because, per General Objection 1, it calls for documents
6 relating to cookies or identifiers generally rather than *third-party advertising* cookies, data
7 generally rather than *browsing* data, and transmissions to third parties generally rather than third-
8 party *advertisers*, and thus the Request is not reasonably tied to Plaintiffs’ theory of liability in the
9 FAC.

10 Subject to the foregoing Specific and General Objections, Gen Digital responds as follows:
11 Gen Digital has no documents concerning personnel responsible for developing, implementing, or
12 approving technical specifications, programming code, or source code that causes or enables
13 AOSP to transmit users’ browsing data to third-party advertisers via third-party advertising
14 cookies, because AOSP has no such functionality.

15 **REQUEST FOR PRODUCTION NO. 8:**

16 ALL DOCUMENTS CONCERNING ALL the ways that YOU have used, exploited,
17 monetized, transmitted, or otherwise utilized the CLASS member DATA YOU collected and/or
18 received through AOSP, including but not limited to your transmission of CLASS member DATA
19 to THIRD PARTIES via FIRST PARTY COOKIES, THIRD PARTY COOKIES, and/or AVAST
20 IDs.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

22 Gen Digital objects to this Request as overly broad, unduly burdensome, and not
23 proportional to the needs of the case, because: (1) per General Objection 1, it calls for documents
24 relating to data generally rather than *browsing* data, third parties generally rather than third-party
25 *advertisers*, and transmissions generally rather than transmissions made *through third-party*
26 *advertising cookies*, and thus the Request is not reasonably tied to Plaintiffs’ theory of liability in
27 the FAC; and (2) the Request calls for all the ways Gen Digital has “used,” “monetized,” or
28 “transmitted” data received through AOSP—and thus would cover everything Gen Digital has

1 ever done with such data and every way it has somehow profited from the operation of AOSP—
 2 as opposed to being limited to forms of use, monetization, or transmittal relevant to Plaintiffs’
 3 theory of liability in the FAC. Gen Digital further objects to this Request to the extent it seeks
 4 documents or information outside the Relevant Time Period, or documents relating to Jumpshot,
 5 as to which Plaintiffs lack any timely claims.

6 Subject to the foregoing Specific and General Objections, Gen Digital responds as follows:
 7 Gen Digital has no documents concerning the transmission of AOSP users’ browsing data to third-
 8 party advertisers via third-party advertising cookies during the Relevant Time Period, or any use,
 9 exploitation, monetization, or transmission of such data as related thereto, as Gen Digital does not
 10 engage in any such practice.

11 **REQUEST FOR PRODUCTION NO. 9:**

12 ALL DOCUMENTS CONCERNING ALL transmissions of the CLASS member DATA
 13 YOU collected and/or received through AOSP that YOU made to THIRD PARTIES.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

15 Gen Digital objects to this Request as overly broad, unduly burdensome, and not
 16 proportional to the needs of the case, because, per General Objection 1, it calls for documents
 17 relating to data generally rather than *browsing* data, third parties generally rather than third-party
 18 *advertisers*, and transmissions generally rather than transmissions made *through third-party*
 19 *advertising cookies*, and thus the Request is not reasonably tied to Plaintiffs’ theory of liability in
 20 the FAC. Gen Digital further objects to this Request to the extent it seeks documents or
 21 information outside the Relevant Time Period, or documents relating to Jumpshot, as to which
 22 Plaintiffs lack any timely claims.

23 Subject to the foregoing Specific and General Objections, Gen Digital responds as follows:
 24 Gen Digital has no documents concerning the transmission of AOSP users’ browsing data to third-
 25 party advertisers via third-party advertising cookies during the Relevant Time Period, as Gen
 26 Digital does not engage in any such practice.

REQUEST FOR PRODUCTION NO. 10:

DOCUMENTS sufficient to IDENTIFY the THIRD PARTIES to whom you transmitted the CLASS member DATA YOU collected and/or received through AOSP.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Gen Digital objects to this Request as overly broad, unduly burdensome, and not proportional to the needs of the case, because, per General Objection 1, it calls for documents relating to data generally rather than *browsing* data, third parties generally rather than third-party *advertisers*, and transmissions generally rather than transmissions made *through third-party advertising cookies*, and thus the Request is not reasonably tied to Plaintiffs' theory of liability in the FAC. Gen Digital further objects to this Request to the extent it seeks documents or information outside the Relevant Time Period, or documents relating to Jumpshot, as to which Plaintiffs lack any timely claims.

Subject to the foregoing Specific and General Objections, Gen Digital responds as follows: Gen Digital has no documents identifying third-party advertisers to whom it transmitted AOSP users' browsing data via third-party cookies during the Relevant Time Period, as Gen Digital does not engage in any such practice.

REQUEST FOR PRODUCTION NO. 11:

ALL contracts or other agreements between YOU and THIRD PARTIES to whom YOU transmitted CLASS member DATA that YOU received and/or collected through AOSP RELATING TO YOUR transmission and/or sale of CLASS member DATA to those THIRD PARTIES.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Gen Digital objects to this Request as overly broad, unduly burdensome, and not proportional to the needs of the case, because, per General Objection 1, it calls for documents relating to data generally rather than *browsing* data, third parties generally rather than third-party *advertisers*, and transmissions generally rather than transmissions made *through third-party advertising cookies*, and thus the Request is not reasonably tied to Plaintiffs' theory of liability in the FAC. Gen Digital further objects to this Request to the extent it seeks documents or

information outside the Relevant Time Period, or documents relating to Jumpshot, as to which Plaintiffs lack any timely claims.

Subject to the foregoing Specific and General Objections, Gen Digital responds as follows: Gen Digital has no contracts or other agreements with third-party advertisers to whom it transmitted AOSP users' browsing data via third-party advertising cookies during the Relevant Time Period, or sold such data to during the Relevant Time Period, as Gen Digital does not engage in any such practice.

REQUEST FOR PRODUCTION NO. 12:

ALL DOCUMENTS and COMMUNICATIONS between YOU and THIRD PARTIES to whom YOU transmitted CLASS member DATA that YOU received and/or collected through AOSP RELATING TO YOUR transmission and/or sale of CLASS member DATA to those THIRD PARTIES, including but not limited to sales and/or transaction DATA.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

Gen Digital objects to this Request as overly broad, unduly burdensome, and not proportional to the needs of the case, because, per General Objection 1, it calls for documents relating to data generally rather than *browsing* data, third parties generally rather than third-party *advertisers*, and transmissions generally rather than transmissions made *through third-party advertising cookies*, and thus the Request is not reasonably tied to Plaintiffs' theory of liability in the FAC. Gen Digital further objects to this Request to the extent it seeks documents or information outside the Relevant Time Period, or documents relating to Jumpshot, as to which Plaintiffs lack any timely claims.

Subject to the foregoing Specific and General Objections, Gen Digital responds as follows: Gen Digital has no documents or communications with third-party advertisers to whom it transmitted AOSP users' browsing data via third-party advertising cookies during the Relevant Time Period, or sold such data to during the Relevant Time Period, as Gen Digital does not engage in any such practice.

REQUEST FOR PRODUCTION NO. 13:

DOCUMENTS sufficient to IDENTIFY the purpose and function of YOUR use of COOKIES and/or AVAST IDs to transmit to THIRD PARTIES the CLASS and SUBCLASS member DATA that YOU collected and/or received through AOSP.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

Gen Digital objects to this Request as overly broad, unduly burdensome, and not proportional to the needs of the case, because, per General Objection 1, it calls for documents relating to cookies or identifiers generally rather than *third-party advertising* cookies, data generally rather than *browsing* data, and transmissions to third parties generally rather than third-party *advertisers*, and thus the Request is not reasonably tied to Plaintiffs' theory of liability in the FAC. Gen Digital further objects to this request in that it is compound, circular, and non-sensical: it asks for documents sufficient to identify the purpose and function of an alleged activity whose purpose is already presupposed in the Request itself – "to transmit to THIRD PARTIES the CLASS and SUBCLASS member DATA that YOU collected and/or received through AOSP."

Subject to the foregoing Specific and General Objections, Gen Digital responds as follows: Gen Digital has no documents identifying the purpose and function of Gen Digital's use of third-party advertising cookies to transmit AOSP users' browsing data to third-party advertisers, as Gen Digital does not engage in any such practice.

REQUEST FOR PRODUCTION NO. 14:

DOCUMENTS sufficient to IDENTIFY all purposes and functions of YOUR collection of the CLASS's PII in connection with the CLASS's use of ANY website.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

Gen Digital objects to this Request because it seeks documents relating to a theory of liability based on the mere collection of Plaintiffs' data, which the Court rejected and dismissed. *See* Order, Dkt. 64, at 5; *see also* Hr'g Tr. May 1, 2024, at 3:22-4:1. Gen Digital further objects to this Request to the extent it seeks information and documents that are publicly available. Gen Digital further objects to this Request to the extent it seeks documents or information outside the

REQUEST FOR PRODUCTION NO. 19:

ALL DOCUMENTS RELATING TO how YOU track and/or IDENTIFY individual consumers using DATA YOU collect through AOSP, including but not limited to, DIGITAL FINGERPRINTING, such that you can provide information about consumers to THIRD PARTIES.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

Gen Digital objects to this Request as overly broad, unduly burdensome, and not proportional to the needs of the case, because, per General Objection 1, it calls for documents relating to data generally rather than *browsing* data, and third parties generally rather than third-party *advertisers*, and thus the Request is not reasonably tied to Plaintiffs' theory of liability in the FAC. Gen Digital further objects to this Request as vague and ambiguous, because it is unclear what is meant by "how YOU track and/or IDENTIFY individual consumers...such that you can provide information about consumers to THIRD PARTIES," given that data about consumers can be transmitted to a third party regardless of whether any consumers have been "tracked" or identified. Gen Digital further objects to this Request to the extent it seeks documents or information outside the Relevant Time Period, or documents relating to Jumpshot, as to which Plaintiffs lack any timely claims.

Subject to the foregoing Specific and General Objections, Gen Digital responds as follows: Gen Digital has no documents relating to the tracking and/or identification of AOSP users during the Relevant Period so that AOSP users' browsing data can be provided to third-party advertisers, as Gen Digital does not engage in any such practice.

REQUEST FOR PRODUCTION NO. 20:

ALL DOCUMENTS CONCERNING AOSP's transmission or exchange with ANY COOKIES, including but not limited to FIRST PARTY COOKIES and THIRD PARTY COOKIES, and/or AVAST IDs.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

Gen Digital objects to this Request as overly broad, unduly burdensome, and not proportional to the needs of the case, because, per General Objection 1, it calls for documents

1 relating to cookies or identifiers generally rather than *third-party advertising* cookies, and
 2 transmissions generally rather than transmissions to third-party advertisers through such cookies,
 3 and thus the Request is not reasonably tied to Plaintiffs' theory of liability in the FAC. Gen Digital
 4 further objects to this Request as vague and ambiguous, as it is unclear what is meant by
 5 "transmission or exchange *with* ANY COOKIES".

6 Subject to the foregoing Specific and General Objections, Gen Digital responds as follows:
 7 Gen Digital has no documents concerning transmission of browsing data to third-party advertisers
 8 through (or "with") third-party advertising cookies, as Gen Digital does not engage in any such
 9 practice.

10 **REQUEST FOR PRODUCTION NO. 21:**

11 YOUR source code, including ALL changes and/or variations to such source code, that
 12 causes ANY websites, including YOUR WEBSITES and THIRD PARTY WEBSITES, to send
 13 YOU DATA through AOSP that YOU can share with THIRD PARTIES, including but not limited
 14 to DATA from CLASS members who have activated AOSP.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

16 Gen Digital objects to this Request as overly broad, unduly burdensome, and not
 17 proportional to the needs of the case, because, per General Objection 1, it calls for documents
 18 relating to data generally rather than *browsing* data, and third parties generally rather than third-
 19 party *advertisers*, and thus the Request is not reasonably tied to Plaintiffs' theory of liability in the
 20 FAC. Gen Digital further objects to this Request as vague and ambiguous, as well as overly broad,
 21 unduly burdensome, and not proportional to the needs of the case, in that it asks for source code
 22 that causes websites to send data that Gen Digital "can" share with third parties, as opposed to data
 23 that Gen Digital actually *does* share with third parties, and thus it would appear to encompass any
 24 source code that causes AOSP to send data to Gen Digital of any kind for any reason, as Gen
 25 Digital theoretically "can" share any data it receives with third parties. Gen Digital further objects
 26 to this Request to the extent it seeks documents or information outside the Relevant Time Period,
 27 or documents relating to Jumpshot, as to which Plaintiffs lack any timely claims.

1 Subject to the foregoing Specific and General Objections, Gen Digital responds as follows:
 2 Gen Digital has no documents concerning its “decision to sell AOSP users’ browsing data to third-
 3 party advertisers during the Relevant Time Period or to transmit such data to third-party advertisers
 4 via third-party advertising cookies, as Gen Digital does not engage in any such practices.

5 **REQUEST FOR PRODUCTION NO. 39:**

6 ALL DOCUMENTS CONCERNING YOUR sale of DATA transmitted between the
 7 CLASS and ANY websites, including YOUR WEBSITES and THIRD PARTY WEBSITES, or
 8 ANY SERVERS, including YOUR SERVERS and THIRD PARTY SERVERS, that you collected
 9 and/or received through AOSP, including without limitation DOCUMENTS sufficient to
 10 determine the types of DATA transacted, the price paid/received for the DATA, and/or ANY other
 11 relevant terms of the transaction.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

13 Gen Digital objects to this Request as overly broad, unduly burdensome, and not
 14 proportional to the needs of the case, because, per General Objection 1, it does not relate
 15 specifically to the sale of AOSP browsing data transmitted to third-party advertisers via third-party
 16 advertising cookies, and thus the Request is not reasonably tied to Plaintiffs’ theory of liability in
 17 the FAC. Gen Digital further objects to this Request to the extent it seeks documents or
 18 information outside the Relevant Time Period, or documents relating to Jumpshot, as to which
 19 Plaintiffs lack any timely claims.

20 Subject to the foregoing Specific and General Objections, Gen Digital responds as follows:
 21 Gen Digital has no documents concerning the sale of AOSP users’ browsing data to third-party
 22 advertisers during the Relevant Time Period, as Gen Digital does not engage in any such practice.

23 **REQUEST FOR PRODUCTION NO. 40:**

24 ALL DOCUMENTS CONCERNING YOUR internal assessment of the economic value
 25 of the CLASS’s DATA.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

27 Gen Digital objects to this Request as overly broad, unduly burdensome, and not
 28 proportional to the needs of the case, because, per General Objection 1, it does not relate

transmission of AOSP users' browsing data to third-party advertisers via third-party advertising cookies, as Gen Digital does not engage in any such practice

REQUEST FOR PRODUCTION NO. 66:

DOCUMENTS sufficient to explain the changes YOU made CONCERNING YOUR transmission of CLASS and SUBCLASS member DATA to THIRD PARTIES via FIRST PARTY COOKIES, THIRD PARTY COOKIES, and/or AVAST IDs, including every change and the reasons that YOU made those changes.

RESPONSE TO REQUEST FOR PRODUCTION NO. 66:

Gen Digital objects to this Request as duplicative of Request No. 65, and incorporates by reference its response thereto.

DATE: June 10, 2024

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By /s/ Serrin Turner

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